

Attn: William T. Walsh
OR Attn: Leroy Dunbar

Chandramauli Amin

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Parsippany, NJ 07054

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Attorneys for Defendant Chandramauli Amin Self – Defense.

U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED

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MALIBU MEDIA, LLC.

Plaintiff,

v.

CHANDRAMAULI AMIN

3 Fairmont Road

Parsippany, New Jersey, 07054,

Defendant.

United States District Court

50 Walnut Street

Newark, NJ 07101

Case # 2:17-CV-01233-CCC-MF

Civil Action:

**ANSWER, AFFIRMATIVE DEFENSES
AND JURY DEMAND**

Defendant Chandramauli Amin ("Defendant"), hereby answer the Complaint filed by Plaintiff MALIBU MEDIA, LLC ("Plaintiff"), and states as follows:

INTRODUCTION

1. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 1 of Plaintiff's Complaint and leaves Plaintiff to its proofs.

2. Defendant denies the allegations contained in paragraph 2 of Plaintiff's Complaint. To the extent paragraph 2 references a document, the document speaks for itself.

3. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 3 of Plaintiff's Complaint and leaves Plaintiff to its proofs. To the extent paragraph 3 references a document, the document speaks for itself.

Jurisdiction and Venue

4. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 4 of Plaintiff's Complaint and leaves Plaintiff to its proofs.

5. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 5 of Plaintiff's Complaint and leaves Plaintiff to its proofs.

6. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 6 of Plaintiff's Complaint and leaves Plaintiff to its proofs.

7. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 7 of Plaintiff's Complaint and leaves Plaintiff to its proofs.

Parties

8. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 7 of Plaintiff's Complaint and leaves Plaintiff to its proofs.

9. Defendant admits the allegation contained in Paragraph 9 of Plaintiff's Complaint.

Factual Background

10. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 10 of Plaintiff's Complaint and leaves Plaintiff to its proofs.

11. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 11 of Plaintiff's Complaint and leaves Plaintiff to its proofs.

12. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 12 of Plaintiff's Complaint and leaves Plaintiff to its proofs.

13. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 13 of Plaintiff's Complaint and leaves Plaintiff to its proofs.

14. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 14 of Plaintiff's Complaint and leaves Plaintiff to its proofs.

15. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 15 of Plaintiff's Complaint and leaves Plaintiff to its proofs.

16. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 16 of Plaintiff's Complaint and leaves Plaintiff to its proofs.

17. Defendant denies the allegations contained in paragraph 17 of Plaintiff's Complaint.

18. Defendant denies the allegations contained in paragraph 18 of Plaintiff's Complaint.

19. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 19 of Plaintiff's Complaint and leaves Plaintiff to its proofs.

20. Defendant denies the allegations contained in paragraph 20 of Plaintiff's Complaint.

21. Defendant denies the allegations contained in paragraph 21 of Plaintiff's Complaint.

22. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 22 of Plaintiff's Complaint and leaves Plaintiff to its proofs

23. Defendant denies the allegations contained in paragraph 23 of Plaintiff's Complaint.

24. Defendant denies the allegations contained in paragraph 24 of Plaintiff's Complaint.

25. Defendant denies the allegations contained in paragraph 25 of Plaintiff's Complaint.

Miscellaneous

26. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 26 of Plaintiff's Complaint and leaves Plaintiff to its proofs.

27. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 27 of Plaintiff's Complaint and leaves Plaintiff to its proofs.

COUNT 1

Direct Infringement Against Defendant

28. Defendant repeats and reincorporate its responses to paragraph 1 through 27 of the Complaint as if set forth at length herein.

29. Defendant has insufficient knowledge to form a belief as to the allegation contained in Paragraph 26 of Plaintiff's Complaint and leaves Plaintiff to its proofs.

30. Defendant denies the allegations contained in paragraph 30 of Plaintiff's Complaint.

31. Defendant denies the allegations contained in paragraph 31 of Plaintiff's Complaint.

32. Paragraph 32, 32(A), 32(B), 32(C), 32(D) of Plaintiff's Complaint contains conclusions of law to which no response is required. To the extent any response is required, Defendant denies the allegations contained in paragraph 32, 32(A), 32(B), 32(C), 32(D) of Plaintiff's Complaint.

33. Paragraph 33, 33(A), 33(B), 33(C), 33(D), 33(E), 33(F) of Plaintiff's Complaint contains conclusions of law to which no response is required. To the extent any response is required, Defendant denies the allegations contained in paragraph 33, 33(A), 33(B), 33(C), 33(D), 33(E), 33(F) of Plaintiff's Complaint.

PRAYER FOR RELIEF

WHEREFORE, Defendant respectfully seeks an order and judgment as follows:

- (a) dismissing Plaintiff's Complaint with prejudice;
- (b) awarding Defendant costs and attorney's fees (if required) in defending this action; and
- (c) such other and further relief as is just and equitable.

AFFIRMATIVE DEFENSES

- 1. Plaintiff's Complaint fails to state a claim upon which relief can be granted.
- 2. Plaintiff's Complaint is barred by the lack of subject matter jurisdiction.
- 3. Plaintiff's Complaint is barred by the lack of personal jurisdiction.

4. Any acts on the part of Defendant were not the proximate cause of any damages that may have been sustained by Plaintiff and violated no duty to Plaintiff.

5. Plaintiff's claims are barred due to unconscionability.

6. Defendant acted all times in good faith and without any fraud or malice.

7. Plaintiff's claims are barred by acts within its sole control and responsibility.

8. The relief sought by Plaintiff is barred by the doctrines of res judicata, collateral estoppel and issue preclusion.

9. The relief sought by Plaintiff is barred due to lack of privity between Plaintiff and Defendant.

10. The relief sought by Plaintiff is barred by the applicable statutes of limitation.

11. The relief sought by Plaintiff is barred by Plaintiff's own unclean hands.

12. The relief sought by Plaintiff is barred by the doctrine of avoidable consequences.

13. The relief sought by Plaintiff is barred by the doctrine of *in pari delicto*.

14. The relief sought by Plaintiff is barred by the statute of frauds.

15. Plaintiff's recovery is barred because any damages incurred were a result of superseding or intervening actions of third parties.

16. Plaintiff fails to state a claim upon which relief can be granted

17. The damages alleged in Plaintiff's Complaint are excessive and unreasonable.

18. The relief sought by Plaintiff is barred by the collateral source rule.

19. The relief sought by Plaintiff is barred by Plaintiff's own fraud.

20. The relief sought by Plaintiff is barred by the doctrine of comparative negligence.

21. The relief sought by Plaintiff is barred by the doctrine of accord and satisfaction.

22. The relief sought by Plaintiff is barred by the doctrine of illegality.

23. The relief sought by Plaintiff is barred by public policy.

24. The relief sought by Plaintiff is barred by its failure to mitigate damages.

25. The relief sought by Plaintiff is barred by the doctrine of laches.
26. The relief sought by Plaintiff is barred by the doctrine of waiver.
27. The relief sought by Plaintiff is barred by the entire controversy doctrine.
28. The relief sought by Plaintiff is barred by duress.
29. The relief sought by Plaintiff is barred by the doctrine of release.
30. Plaintiff's claims are barred by contributory negligence.
31. Plaintiff's claims are barred by the doctrine of payment.
32. Plaintiff's claims are barred by the doctrine of mistake.
33. Plaintiff lacks standing to bring its claims.
34. Plaintiff has not suffered any damages.
35. Defendant reserves all rights related to their ability to assert additional affirmative defenses based on jurisdictional issues.

RESERVATION OF RIGHTS

Defendant hereby gives notice that it intends to rely upon such other and further defenses as may become available or apparent during the discovery process in this action, and hereby reserves the right to amend its answer to assert any such defenses. The assertion of the above defenses by the Defendant is not intended and should not be deemed or construed to alter or shift any burden of proof Plaintiff may have in connection with the claims asserted in the Complaint.

Defendant further reserves the right, at or before trial, to move to dismiss the Complaint and/or for Summary Judgment, on the ground that the Complaint fails to state a claim upon which relief can be granted and/or Defendant is entitled to judgment as a matter of law, based on any and all of the above defenses.

Chandramauli Amin
3 Fairmount Rd.
Parsippany, NJ 07054
*Attorneys for Defendant Chandramauli
Amin, Self – Defense.*

Dated: December 7, 2017

By: C.R. Amin
Chandramauli Amin

RULE 4:5-1 CERTIFICATION

Defendant, hereby certifies that the matter in controversy is not subject to any other pending or contemplated judicial or arbitration proceeding. Defendant is not currently aware of any other party who should be joined in this action. Defendant is actively continuing its investigation into all relevant actions and activities and fully intends to prosecute all persons or entities associated with the above actions.

DEMAND FOR A STATEMENT OF DAMAGES

Take notice that pursuant to R. 4:5-2, the Defendant hereby demands, within five (5) days of service of this Answer, that Plaintiff furnish a written statement of the amount of damages as claimed against the Defendant.

DEMAND FOR COPY OF DOCUMENTS REFERRED TO IN THE COMPLAINT

Pursuant to R. 4:18-2, Defendant requests the production of any and all documents and things to which are referred to in the Complaint within five (5) days after service of this written demand.

1. Paragraph 17 of Plaintiff's complaint, Plaintiff's third party investigators, IPP International UG, established a direct TCP/IP connection with the Defendant's IP address. Defendant requests complete investigation documents, information provided in table is not sufficient.
2. Paragraph 24 of Plaintiff's complaint, Plaintiff's third party investigators connected, over a course of time, with Defendant's IP address for each digital media file identified by the

hash value as listed on Exhibit A. Defendant requests complete investigation documents, process of connection and proof of connection established, information provided in table is not sufficient.

JURY DEMAND

Defendant hereby demands a dismissed charges or Trial by jury as to all issues contained therein.